

**Introduced by Senator Florez**

December 14, 2004

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An act to amend Section 130140 of, and to add Section 130146 to, the Health and Safety Code, relating to child development.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 34, as introduced, Florez. Children and family health programs.

(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, First 5 California, with powers and duties relating to the administration of the act on a state level, and authorizes a county's board of supervisors to establish a county children and families commission to administer the act on a county level.

Existing law provides for the composition of a county commission including a requirement that certain members be appointed who hold positions with the county and other members be appointed from various categories of persons.

This bill would require that the majority of the membership of the commission consist of persons who do not represent the county. It would also prohibit the chairperson of the county commission from being a county supervisor or employed by the county.

(2) The California Constitution provides that the Legislature may amend an initiative statute by another statute that becomes effective only when approved by the voters unless the initiative statute permits

amendment without voter approval. The act provides that it may be amended by a vote of  $\frac{2}{3}$  of the membership of both houses of the Legislature and that all amendments pursuant to this provision shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 130140 of the Health and Safety Code is  
2 amended to read:

3 130140. Any county or counties developing, adopting,  
4 promoting, and implementing local early childhood development  
5 programs consistent with the goals and objectives of this act shall  
6 receive moneys pursuant to paragraph (2) of subdivision (d) of  
7 Section 130105 in accordance with the following provisions:

8 (a) For the period between January 1, 1999 and June 30, 2000,  
9 county commissions shall receive the portion of the total moneys  
10 available to all county commissions equal to the percentage of  
11 the number of births recorded in the relevant county (for the most  
12 recent reporting period) in proportion to the entire number of  
13 births recorded in California (for the same period), provided that  
14 each of the following requirements has first been satisfied:

15 (1) The county's board of supervisors has adopted an  
16 ordinance containing the following minimum provisions:

17 (A) The establishment of a county children and families  
18 commission. The county commission shall be appointed by the  
19 board of supervisors and shall consist of at least five but not  
20 more than nine members.

21 ~~(B)~~

22 (i) Two members of the county commission shall be from  
23 among the county health officer and persons responsible for  
24 management of the following county functions: children's  
25 services, public health services, behavioral health services, social  
26 services, and tobacco and other substance abuse prevention and  
27 treatment services.

28 (ii) One member of the county commission shall be a member  
29 of the board of supervisors.

(iii) The remaining members of the county commission shall be from among the persons described in clause (I) and persons from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies. *The majority of the membership of the commission shall consist of persons not described in clause (i) or (ii).*

(B) The manner of appointment, selection, or removal of members of the county commission, the duration and number of terms county commission members shall serve, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the county commission's activities, provided that members of the county commission shall not be compensated for their services, except they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the county commission. *The chairperson of the county commission shall not be a county supervisor or employed by the county.*

(C) The requirement that the county commission adopt an adequate and complete county strategic plan for the support and improvement of early childhood development within the county.

(i) The county strategic plan shall be consistent with, and in furtherance of the purposes of, this act and any guidelines adopted by the state commission pursuant to subdivision (b) of Section 130125 that are in effect at the time the plan is adopted.

(ii) The county strategic plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the county commission using appropriate reliable indicators. No county

1 strategic plan shall be deemed adequate or complete until and  
2 unless the plan describes how programs, services, and projects  
3 relating to early childhood development within the county will be  
4 integrated into a consumer-oriented and easily accessible system.

5 (iii) The county commission shall, on at least an annual basis,  
6 be required to periodically review its county strategic plan and to  
7 revise the plan as may be necessary or appropriate.

8 (D) The requirement that the county commission conduct at  
9 least one public hearing on its proposed county strategic plan  
10 before the plan is adopted.

11 (E) The requirement that the county commission conduct at  
12 least one public hearing on its periodic review of the county  
13 strategic plan before any revisions to the plan are adopted.

14 (F) The requirement that the county commission submit its  
15 adopted county strategic plan, and any subsequent revisions  
16 thereto, to the state commission.

17 (G) The requirement that the county commission prepare and  
18 adopt an annual audit and report pursuant to Section 130150. The  
19 county commission shall conduct at least one public hearing prior  
20 to adopting any annual audit and report.

21 (H) The requirement that the county commission conduct at  
22 least one public hearing on each annual report by the state  
23 commission prepared pursuant to subdivision (b) of Section  
24 130150.

25 (I) Two or more counties may form a joint county  
26 commission, adopt a joint county strategic plan, or implement  
27 joint programs, services, or projects.

28 (2) The county's board of supervisors has established a county  
29 commission and has appointed a majority of its members.

30 (3) The county has established a local Children and Families  
31 Trust Fund pursuant to subparagraph (A) of paragraph (2) of  
32 subdivision (d) of Section 130105.

33 (b) Notwithstanding any provision of this act to the contrary,  
34 no moneys made available to county commissions under  
35 subdivision (a) shall be expended to provide, sponsor, or  
36 facilitate any programs, services, or projects for early childhood  
37 development until and unless the county commission has first  
38 adopted an adequate and complete county strategic plan that  
39 contains the provisions required by clause (ii) of subparagraph  
40 (C) of paragraph (1) of subdivision (a).

1 ~~(c)~~

2 (c) In the event that any county elects not to participate in the  
3 California Children and Families Program, the moneys remaining  
4 in the California Children and Families Trust Fund shall be  
5 reallocated and reappropriated to participating counties in the  
6 following fiscal year.

7 (d) For the fiscal year commencing on July 1, 2000, and for  
8 each fiscal year thereafter, county commissions shall receive the  
9 portion of the total moneys available to all county commissions  
10 equal to the percentage of the number of births recorded in the  
11 relevant county (for the most recent reporting period) in  
12 proportion to the number of births recorded in all of the counties  
13 participating in the California Children and Families Program  
14 (for the same period), provided that each of the following  
15 requirements has first been satisfied:

16 (1) The county commission has, after the required public  
17 hearings, adopted an adequate and complete county strategic plan  
18 conforming to the requirements of subparagraph (C) of paragraph  
19 (1) of subdivision (a), and has submitted the plan to the state  
20 commission.

21 (2) The county commission has conducted the required public  
22 hearings, and has prepared and submitted all audits and reports  
23 required pursuant to Section 130150.

24 (3) The county commission has conducted the required public  
25 hearings on the state commission annual reports prepared  
26 pursuant to subdivision (b) of Section 130150.

27 (e) In the event that any county elects not to continue  
28 participation in the California Children and Families Program,  
29 any unencumbered and unexpended moneys remaining in the  
30 local Children and Families Trust Fund shall be returned to the  
31 California Children and Families Trust Fund for reallocation and  
32 reappropriation to participating counties in the following fiscal  
33 year.

34 (f) For purposes of this section, “relevant county” means the  
35 county in which the mother of the child whose birth is being  
36 recorded resides.

37 SEC. 2. Section 130146 is added to the Health and Safety  
38 Code, to read:

39 130146. (a) Each county commission shall establish an  
40 advisory policy board to make recommendations to the county

1 commission regarding the policies and guidelines to be used by  
2 the county commissions when setting program goals and funding  
3 priorities in connection with the award of funds under the  
4 program.

5 (b) The policy board shall be composed of a county  
6 supervisor, appointed by the county board of supervisors, and the  
7 mayor of each city within the county, or his or her designee.

8 SEC. 3. The Legislature finds and declares that this act  
9 furthers the California Children and Families Act of 1998,  
10 enacted by Proposition 10 at the November 3, 1998, general  
11 election, and is consistent with its purposes.